



August 12, 2025



RE: [REDACTED] v. DoHS/BFA
ACTION NO.: 25-BOR-2454

Dear Mr. [REDACTED]

Enclosed is a copy of the decision resulting from the hearing held in the above-referenced matter.

In arriving at a decision, the State Hearing Officer is governed by the Public Welfare Laws of West Virginia and the rules and regulations established by the Department of Human Services. These same laws and regulations are used in all cases to ensure that all persons are treated alike.

You will find attached an explanation of possible actions you may take if you disagree with the decision reached in this matter.

Sincerely,

Kristi Logan
Certified State Hearing Officer
Member, State Board of Review

Encl: Recourse to Hearing Decision
Form IG-BR-29

cc: Rena Lawless, [REDACTED] County DoHS

**WEST VIRGINIA OFFICE OF INSPECTOR GENERAL
BOARD OF REVIEW**

██████████,

Appellant,

v.

Action Number: 25-BOR-2454

**WEST VIRGINIA DEPARTMENT OF HUMAN SERVICES
BUREAU FOR FAMILY ASSISTANCE,**

Respondent.

DECISION OF STATE HEARING OFFICER

INTRODUCTION

This is the decision of the State Hearing Officer resulting from a fair hearing for ██████████. This hearing was held in accordance with the provisions found in Chapter 700 of the Office of Inspector General Common Chapters Manual. This fair hearing was convened on August 12, 2025.

The matter before the Hearing Officer arises from the July 17, 2025, decision by the Respondent to deny the Appellant's application for School Clothing Allowance benefits.

At the hearing, the Respondent appeared by Rena Lawless, ██████████ County DoHS. The Appellant was self-represented. The witnesses were placed under oath and the following documents were admitted into evidence.

Department's Exhibits:

None

Appellant's Exhibits:

None

After a review of the record, including testimony, exhibits, and stipulations admitted into evidence at the hearing, and after assessing the credibility of all witnesses and weighing the evidence in consideration of the same, the Hearing Officer sets forth the following Findings of Fact.

FINDINGS OF FACT

- 1) The Appellant applied for School Clothing Allowance (SCA) benefits for his children, [REDACTED] and [REDACTED]
- 2) [REDACTED] and [REDACTED] are enrolled and attend school virtually through the [REDACTED]
- 3) The [REDACTED] is an accredited, full-time online public charter school authorized by the West Virginia Board of Education.
- 4) A Respondent worker contacted the [REDACTED] County Board of Education and was advised that [REDACTED] and [REDACTED] were not enrolled in an approved homeschool program.
- 5) The Respondent issued a notice of denial on July 17, 2025, advising the Appellant that his application had been denied as the children did not meet program eligibility requirements.

APPLICABLE POLICY

West Virginia Income Maintenance Manual Chapter 19 explains eligibility for the SCA program:

19.4.3.A Age and School Attendance

To be eligible for the WV WORKS School Clothing Allowance (SCA) or West Virginia School Clothing Allowance (WVSCA), the child must meet all of the following criteria:

- Be a resident of West Virginia, not visiting or on vacation.
- Meet the eligibility requirements or be eligible for WV WORKS for July of the current program year,
- For WV WORKS SCA only, be included in the WV WORKS benefit as a dependent child.
- Be enrolled in public Kindergarten through 12th grade, private Kindergarten through 12th grade that has been approved by the Board of Education, or a WV Public Prekindergarten that could be housed in a child care or Head Start center.
- Children who have reached the age 5 by July 1 and are enrolled in Kindergarten of the current program year.
- The following activities are not considered school enrollment:
 - Nursery School
 - Correspondence or internet courses
 - Homeschooling must be approved by the county Board of Education.

West Virginia State Code Chapter 18 explains education requirements:

18-5G-3. Public charter school criteria, governance structure and statutory compliance requirements; applicable federal and state laws

(a) Public charter schools authorized pursuant to this article shall meet the following general criteria:

(1) Are part of the state's system of public schools and are subject to general supervision by the West Virginia Board of Education for meeting the student performance standards required of other public school students under §18-2E-5(d) and (e) of this code;

(3) Are not home school-based

(c) A public charter school authorized pursuant to this article is exempt from all statutes and rules applicable to a noncharter public school or board of education except the following:

(1) All federal laws and authorities applicable to noncharter public schools in this state including, but not limited to, the same federal nutrition standards, the same civil rights, disability rights and health, life and safety requirements applicable to noncharter public schools in this state;

(2) The provisions of §29B-1-1 *et seq.* of this code relating to freedom of information and the provisions of §6-9A-1 *et seq.* of this code relating to open governmental proceedings;

(3) The same immunization requirements applicable to noncharter public schools;

(4) The same compulsory school attendance requirements applicable to noncharter public schools.

DISCUSSION

Policy stipulates that enrollment in a public Kindergarten through 12th grade or private Kindergarten through 12th grade that has been approved by the Board of Education is an eligibility requirement to receive SCA benefits. Children who are homeschooled must be enrolled in a program approved by the county Board of Education. Policy excludes individuals who are enrolled in correspondence or internet courses.

The Respondent testified that the Appellant's children were not eligible for SCA as they are not enrolled in a county-approved homeschool program and policy excludes students enrolled in correspondence and internet courses.

The Appellant argued that his children attend a public West Virginia Board of Education accredited school that is taught by West Virginia accredited teachers virtually through Zoom. The Appellant disputed the Respondent's classification of the [REDACTED] as an online or correspondence course.

The [REDACTED] is an accredited, full-time online public charter school authorized by the West Virginia Board of Education. Pursuant to West Virginia State Code, public charter schools are part of the state's system of public schools and are subject to general supervision by the West Virginia Board of Education for meeting the student performance standards required of other public school students and these students are not considered homeschooled. While the Respondent contended that policy excludes students enrolled in internet and correspondence courses, [REDACTED] and [REDACTED] meet the enrollment eligibility requirement of attending a public Kindergarten through 12th grade school approved by the Board of Education.

Whereas the Appellant's children are enrolled in a public school accredited by the West Virginia

Board of Education, the Respondent's denial of SCA benefits cannot be affirmed.

CONCLUSIONS OF LAW

- 1) Policy stipulates that enrollment in a public Kindergarten through 12th grade or private Kindergarten through 12th grade that has been approved by the Board of Education is an eligibility requirement to receive SCA benefits.
- 2) [REDACTED] and [REDACTED] are enrolled in a public charter school that is accredited by the West Virginia Board of Education.
- 3) [REDACTED] and [REDACTED] meet the school enrollment requirements for School Clothing Allowance benefits.

DECISION

It is the decision of the State Hearing Officer to **reverse** the decision of the Respondent to deny the Appellant's application for School Clothing Allowance benefits.

ENTERED this 12th day of August 2025.

Kristi Logan
Certified State Hearing Officer